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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/843,885	04/30/2001	Manuel Gonzalez	60006756-1	1164

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HEWLETT-PACKARD COMPANY  
Intellectual Property Administration  
P.O. Box 272400  
Fort Collins, CO 80527-2400

EXAMINER

FOULADI SEMNANI, FARANAK

ART UNIT	PAPER NUMBER
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2672

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DATE MAILED: 03/27/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/843,885

Applicant(s)

GONZALEZ ET AL.

Examiner

Faranak Fouladi

Art Unit

2672

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 April 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 17-23 are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 April 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. This action is responsive to communications: application, filed on 04/30/2001.
2. Claims 1-23 are pending in the case, with claims 1, 11 and 17 being independent.
3. The present title of the application is "System and Method for Displaying and Printing Images according to Selected Sizes " (as originally filed).

### ***Election/Restrictions***

4. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claims 1-16, drawn to a system for displaying an image at its selected size, classified in class 345, subclass 593.
  - II. Claims 17-23 drawn to a business method for supplying printed versions of selected images to a customer, classified in class 705, subclass 50.
5. The inventions are distinct, each from the other because of the following reasons:  
Inventions I and II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention II has separate utility such as supplying printed version of selected images to customer, since it suffices to a business method for supplying printed images only. See MPEP § 806.05(d).
6. Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II, restriction for examination purposes as indicated is proper.

***Election by Telephone***

7. During a telephone conversation with Mr. John Ryan on March/14/03 a provisional election was made with traverse to prosecute the invention of System and Method for Displaying and Printing Images according to Selected Sizes, claims 1-16. Affirmation of this election must be made by applicant in replying to this Office action.

***Drawings***

8. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "270" and "280" have both been used to designate "frame and matting"; reference characters "260" and "265" have both been used to designate "mounting background"; and reference characters "240" and "250" have both been used to designate "selected image". A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

9. The drawings are objected to under 37 CFR 1.83(a) because they fail to show that "The paper attribute screen shot 130 may be additionally configured to verify if the inputted dimension conforms to the correct ratio of the selected image. If not verified, the paper attribute screen shot 130 may be further configured to request the user input another dimension for the output image, until a valid ratio is selected." as described in the specification on page 3 lines 18-21. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). A proposed drawing correction or corrected

drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claims 1-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Salgado US Patent 5,831,747.

11. Regarding independent claim 1, "a system for displaying an image at its selected size, wherein said selected image is configured for printing by a large format printer, said system comprising: a terminal for displaying a plurality of images, said terminal including an image program for enabling the display of at least one of said images on said terminal, said image program being configured to enable the selection of a plurality of attributes of said image, wherein said selection of said plurality of attributes includes at least one option for selecting the dimensions for said image; and a display device for displaying said selected image according to said selected dimensions, such that said image is displayed at its selected dimensions." Salgado disclose in col. 6 lines 24-67 and in Fig 2.

12. Regarding dependent claim 2, "the system according to claim 1, further comprising: a viewing surface upon which said selected image is operable to be displayed." Salgado disclose in col. 6 lines 60-61.

13. Regarding dependent claim 3, "the system according to claim 2, wherein said viewing surface comprises a wall or a screen." Salgado disclose in col. 6 lines 60-61

14. Regarding dependent claim 4 "the system according to claim 1, wherein said terminal enables the selection of a mounting background for display with said selected image." Salgado disclose in col. 6 lines 50-63.

15. Regarding dependent claim 5 "the system according to claim 4, wherein said terminal further enables the selection of color and dimensions for said mounting background and wherein said display device is operable to display a mounting background image according to said selected color and dimensions of said mounting background." Salgado disclose in col. 6 lines 24-50.

16. Regarding dependent claim 6, "the system according to claim 4, wherein said terminal enables the selection of a mounting position for said selected image on said mounting background." Salgado disclose in col. 7 lines 29-39.

17. Regarding dependent claim 7, "the system according to claim 6, wherein said display device is operable to display said selected image according to said selected mounting position with respect to said mounting background." Salgado disclose in col. 7 lines 29-42.

18.Regarding dependent claim 8,"the system according to claim 1, wherein said terminal further comprises an aesthetic engine program for providing decorator information." Salgado disclose in col. 7 lines 29-51.

19.Regarding dependent claim 9,"the system according to claim 1, further comprising a printer operable to produce a printed version of said selected image." Salgado disclose in col. 6 lines 63-64.

20.Regarding dependent claim 10,"the system according to claim 9, wherein said printer is a large format printer operable to print said selected image on a print medium having at least an A3 size". Salgado disclose in col. 8 lines 66-57. Salgado disclose that "...the composite frame/image is generated with a digital copier such as the Xerox 5775 color copier", Xerox 5775 color copier uses A3 size paper.

21.Claims 11-16 recite method steps performed by the system of claims 1-10; therefore they are similar in scope and rejected under the same rationale.

### ***Conclusion***

**22.**Any this communication or earlier communications from the examiner should inquiry concerning be directed to **Faranak Fouladi** whose telephone number is **703-305-3223**. The examiner can normally be reached on Mon-Fri from 8:00-4:30.

**23.**If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Michael Razavi** can be reach at **703-305-4713**.

**24.**Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, DC. 20231

**Or faxed to: 703-872-9314 (for Technology Center 2600 only)**

25. Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, sixth-floor (Receptionist).

26. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is 703-306-0377.

**Faranak Fouladi-Semnani  
Patent Examiner  
Art Unit 2672**

*Jeffery A. Brier*  
JEFFERY BRIER  
PRIMARY EXAMINER